



**SUPREME COURT OF CALIFORNIA  
 ORAL ARGUMENT CALENDAR  
 LOS ANGELES SESSION  
 APRIL 2 AND 3, 2014**

**FIRST AMENDED**

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom in the Ronald Reagan State Office Building, 300 South Spring Street, Third Floor, North Tower, Los Angeles, California on April 2 and 3, 2014.

**WEDNESDAY, APRIL 2, 2014—9:00 A.M.**

- (1) S196568 Salas (Vicente) v. Sierra Chemical Company
- (2) S207314 M. (Luis) v. Superior Court of Los Angeles County (People, Real Party In Interest)
- (3) S052374 People v. Brown (Steven Allen) [Automatic Appeal]

**2:00 P.M.**

- (4) S039894 People v. Sattiewhite (Christopher) [Automatic Appeal]
- (5) S080837 People v. DeBose (Donald Ray) [Automatic Appeal]
- (6) S115284 People v. Trinh (Dung Dinh Anh) [Automatic Appeal]

**THURSDAY, APRIL 3, 2014—9:00 A.M.**

- (7) S207172 Hartford Casualty Insurance Company v. Swift Distribution, Inc., et al.
- (8) S204032 Arshavir Iskanian v. CLS Transportation of Los Angeles LLC
- (9) S193990 In re the Marriage of Frankie and Randy Valli

**1:30 P.M.**

- (10) S206874 Ayala (Maria) et al., v. Antelope Valley Newspapers, Inc.
- (11) S211670 People v. Scott (James Russell)
- (12) S201443 People v. Goldsmith (Carmen)

\_\_\_\_\_  
 CANTIL-SAKAUYE  
*Chief Justice*

If exhibits are to be transmitted to this court, counsel must apply to the court for permission. (See Cal. Rules of Court, rule 8.224(c).)

**SUPREME COURT OF CALIFORNIA  
ORAL ARGUMENT CALENDAR  
LOS ANGELES SESSION  
APRIL 2 AND 3, 2014**

The following case summaries are issued to inform the public about cases that the California Supreme Court has scheduled for oral argument and of their general subject matter. In most instances, the descriptions set out below are reproduced from the original news release issued when review in each of these matters was granted and are provided for the convenience of the public. The descriptions do not necessarily reflect the view of the court or define the specific issues that will be addressed by the court.

**WEDNESDAY, APRIL 2, 2014—9:00 A.M.**

**(1) *Salas (Vicente) v. Sierra Chemical Company, S196568***

#11-130 *Salas (Vicente) v. Sierra Chemical Company, S196568.* (C064627; 198 Cal.App.4th 29; Superior Court of San Joaquin County; CV033425.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case presents the following issues: (1) Did the trial court err in dismissing plaintiff's claims under the Fair Employment and Housing Act (Gov. Code, § 12900 et seq.) on grounds of after-acquired evidence and unclean hands, based on plaintiff's use of false documentation to obtain employment in the first instance? (2) Did Senate Bill No. 1818 (2001–2002 Reg. Session) preclude application of those doctrines in this case? (See Civ. Code, § 3339; Gov. Code, § 7285; Health & Saf. Code, § 24000; Lab. Code, § 1171.5.) (3) Does federal immigration law preempt state law and thereby preclude an undocumented worker from obtaining, as a remedy for a violation of "state labor and employment laws" (Lab. Code, § 1171.5; Civ. Code, § 3339; Gov. Code, § 7285; Health & Saf. Code, § 24000), an award of compensatory remedies, including back pay? (See *Hoffman Plastic Compounds, Inc. v. NLRB* (2002) 535 U.S. 137.)

**(2) *M. (Luis) v. Superior Court of Los Angeles County (People, Real Party In Interest), S207314***

#13-19 *M. (Luis) v. Superior Court of Los Angeles County (People, Real Party In Interest), S207314.* (B238460; 210 Cal.App.4th 982; MJ20593.) Petition for review after the Court of Appeal vacated an order in a juvenile wardship proceeding. This case presents the following issue: Could the restitution order in this case of felony vandalism for acts of graffiti be based on the victim city's average cost of removing, cleaning, and repairing incidents of graffiti on an

annual basis, or was proof of the actual costs of mitigating the graffiti at issue in this case required?

(3) *People v. Brown (Steven Allen)*, S052374 [Automatic Appeal]

This matter is an automatic appeal from a judgment of death.

**2:00 P.M.**

(4) *People v. Sattiewhite (Christopher)*, S039894 [Automatic Appeal]

This matter is an automatic appeal from a judgment of death.

(5) *People v. DeBose (Donald Ray)*, S080837 [Automatic Appeal]

This matter is an automatic appeal from a judgment of death.

(6) *People v. Trinh (Dung Dinh Anh)*, S115284 [Automatic Appeal]

This matter is an automatic appeal from a judgment of death.

**THURSDAY, APRIL 3, 2014—9:00 A.M.**

(7) *Hartford Casualty Insurance Company v. Swift Distribution, Inc., et al.*, S207172

#13-18 Hartford Casualty Insurance Company v. Swift Distribution, Inc., et al., S207172.

(B234234; 210 Cal.App.4th 915; Superior Court of Los Angeles County; BC442537.) Petition for review after the Court of Appeal affirmed the summary judgment in a civil action. This case presents the following issue: Did the allegations of the complaint constitute disparagement for purposes of insurance coverage or the duty to defend under the “advertising injury” provision of defendant’s insurance policy?

(8) *Arshavir Iskanian v. CLS Transportation of Los Angeles, LLC*, S204032

#12-97 Arshavir Iskanian v. CLS Transportation of Los Angeles, LLC, S204032. (B235158; 206 Cal.App.4th 949; Superior Court of Los Angeles County; BC356521.) Petition for review after the Court of Appeal affirmed an order granting a motion to compel arbitration and dismissing class claims. This case presents the following issues: (1) Did *AT&T Mobility LLC v. Concepcion* (2011) 563 U.S. \_\_ [131 S. Ct. 1740, 179 L.Ed.2d 742] impliedly overrule *Gentry v. Superior Court* (2007) 42 Cal.4th 443 with respect to contractual class action waivers in the

context of non-waivable labor law rights? (2) Does the high court's decision permit arbitration agreements to override the statutory right to bring representative claims under the Labor Code Private Attorneys General Act of 2004 (Lab. Code, § 2698 et seq.)? (3) Did defendant waive its right to compel arbitration?

**(9) *In re the Marriage of Frankie and Randi Valli, S193990***

#11-103 *In re the Marriage of Frankie and Randi Valli, S193990.* (B222435; 195 Cal.App.4th 776; Superior Court of Los Angeles County; BD414038.) Petition for review after the Court of Appeal reversed the judgment in a marital dissolution action. This case includes the following issue: Did the Court of Appeal err in concluding that an insurance policy on the husband's life was the wife's separate property upon dissolution of the marriage, even though the policy was purchased during the marriage and the premiums prior to the couple's separation were paid with community funds, because the policy listed the wife as the owner?

**1:30 P.M.**

**(10) *Ayala (Maria) et al., v. Antelope Valley Newspapers, Inc., S206874***

#13-13 *Ayala (Maria) et al., v. Antelope Valley Newspapers, Inc., S206874.* (B235484; 210 Cal.App.4th 77; Superior Court of Los Angeles County; BC403405.) Petition for review after the Court of Appeal affirmed in part and reversed in part an order denying class certification in a civil action. This case presents questions concerning the determination of whether common issues predominate in a proposed class action relating to claims that turn on whether members of the putative class are independent contractors or employees.

**(11) *People v. Scott (James Russell), S211670***

#13-62 *People v. Scott (James Russell), S211670.* (H037923; 216 Cal.App.4th 848; Superior Court of Monterey County; SS080912.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. This case presents the following issue: Was defendant entitled to a county jail commitment under the Criminal Justice Realignment Act of 2011 when the trial court imposed and suspended execution of a prison sentence before the Act's effective date, but revoked probation and ordered execution of the sentence after the Act went into effect?

(12) ***People v. Goldsmith (Carmen), S201443***

#12-44 *People v. Goldsmith (Carmen), S201443*. (B231678; 203 Cal.App.4th 1515; Superior Court of Los Angeles County; BR048189, 102693IN.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. The court limited review to the following issues: (1) What testimony, if any, regarding the accuracy and reliability of the automated traffic enforcement system (ATES) is required as a prerequisite to admission of the ATES-generated evidence? (2) Is the ATES evidence hearsay and, if so, do any exceptions apply?